IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.M.No.61217-M of 2006

Date of Decision: 30.4.2007

Mohan Lal .....Petitioner

Versus

State of Haryana .....Respondent

CORAM HON'BLE MR. JUSTICE S. D. ANAND

PRESENT: Mr.Bipan Ghai, Advocate for the petitioner.

Mr.SS Mor, Senior DAG Haryana.

Mr.AS Virk, Advocate for the complainant.

JUDGMENT

This order shall dispose of petitioner's plea for his release on anticipatory bail in case FIR No. 479 dated 12.9.2006, under Sections 406/420 of the Indian Penal Code, registered at Police Station City Thanesar.

The facts, relevant for purposes of disposal of plea aforementioned, are as under:

The first informant - complainant had sold 2.5 acres of land which fetched him a sum of Rs.97 lacs. Petitioner - accused Mohan Lal informed the first informant that, as per a new scheme implemented by the Government, an amount deposited in the Bank in the name of an illiterate person does not fetch any interest. He further informed him if the amount of Rs.20 lacs was

deposited in the name of an educated person in the Secretariat, Panchayat Bhawan Branch of the Central Bank of India, it would fetch a higher rate of interest and, apart there from, it would also entitle the depositor to some steel utensils, 1-1/2 kg. silver and a cash amount of Rs.70,000/-. The petitioner – accused had endeared himself to the first informant on account of his friendship with latter's son Jeet Ram, who was a simpleton. Petitioner-accused had also introduced Jeet Ram to the vice of alcohol.

On the persuasion of and in the light of the representation made by the petitioner-accused, the first informant withdrew a sum of Rs.20 lacs from his Bank account elsewhere and deposited the same in the indicated Branch. While making that deposit, the first informant requested the Manager to make that account joint of the depositor and his son Jeet Ram as the latter was a man of weak intellect and he could be defrauded by anyone. He further informed the Branch Manager that withdrawal from that account should not be allowed till the withdrawal slip bears his thumb impression. The first informant observed thereafter that his son Jeet Ram would not return to the house, at times, for a period of 3 - 4 days and that whenever he will come home, he would be under the influence of liquor. On one particular occasion, Jeet Ram did not come home for a fortnight. The first informant went over to the petitioner – accused and requested him to indicate the whereabouts of former's son Jeet Ram because Jeet Ram aforementioned last left the house in the company of petitioner – accused only. The first informant further informed the petitioner that the promised steel utensils, 1-1/2 kg. silver and cash amount of Rs.70,000/- etc. had not yet been delivered to him and he had a feeling that he had been cheated. He held out a threat that if Jeet Ram did not return home, he (first informant) would commit suicide. Jeet Ram, accompanied by the

petitioner – accused, returned home that very evening. He was otherwise under the influence of liquor when returned home. The petitioner – accused left him at the house of the first informant. When Jeet Ram re-gained consciousness in the morning, the first informant brought facts with regard to the deposit of Rs.20 lacs in the above manner to his notice. On this, Jeet Ram started crying bitterly and informed his father – first informant that the petitioner – accused had made him to withdraw the entire deposit from the Bank and that he had also obtained his (that of Jeet Ram) signatures on 15-20 blank papers. On ascertainment, the first informant was told that the outstanding balance in the account was only of Rs.2000-2500. The first informant went to the police on a plea that he had been cheated by the petitioner-accused who, taking full advantage of the weak intellect of Jeet Ram and also the fact that the latter was an alcoholic, had mis-appropriated the amount of Rs.20 lacs.

Learned counsel for the petitioner argues that the petitioner has already joined investigation in terms of order dated 8.1.2007 of this Court (Hon'ble Virender Singh, J.) and that the order aforementioned should be made absolute as the relevant recovery had also been effected from him.

Learned Senior Deputy Advocate General, appearing on behalf of the State of Haryana, informs that the recovery effected is of a sum of only Rs.1 lac and that a balance amount is yet to be recovered from the possession of the petitioner-accused. The plea raised thereby is that the police requires the person of the petitioner-accused for purpose of investigation of the matter.

In the circumstances of the case, it is apparent that the prosecution allegations against the petitioner-accused are fairly serious in nature. Apart therefrom, the recovery of a huge amount is yet to be effected at the instance of the petitioner. It would obviously entail custodial interrogation. The present is

not a fit case for his release on anticipatory bail. The anticipatory bail plea shall stand declined.

Dismissed.

(S. D. ANAND)
JUDGE

April 30, 2007
SRM